

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 91 CR 53
)	
RUDY MARTINEZ,)	
)	
Defendant.)	

SUPPLEMENT TO MEMORANDUM ORDER

On February 25, 2011 this Court issued a short memorandum order ("Order") denying the most recent effort by Rudy Martinez ("Martinez") to undo the life sentence that he is serving on drug charges--an effort that he sought to advance under Fed. R. Civ. P. 60, even though by definition that rule applies only to civil cases. By sheer chance the most recent batch of slip opinions from our Court of Appeals, received later on the same day, included one that has reconfirmed the absence of judicial power to grant relief, as this Court had ruled in both the Order and the memorandum order that preceded it.

Here is the relevant excerpt from United States v. Guyton, No. 09-3866, 2011 WL 590110, at *2 (7th Cir. Feb. 22):

As a general rule, with just a few exceptions, a district court may not modify a term of imprisonment once it has been imposed. 18 U.S.C. §3582(c); Dillon v. United States, 130 S.Ct. 2683, 2687 (2010); United States v. Jackson, 573 F.3d 398, 399 (7th Cir. 2009).

This supplement is issued not to alter anything that was said in the Order, but rather to apprise Martinez of the established

nature and the solidity of the doctrine relied on by this Court
in its rulings.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: March 2, 2011